UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,630	08/31/2001	Raymond Marcelino Manese Lim	0023-0030	8770

44987 7590 04/24/2006	EXAMINER
HARRITY SNYDER, LLP	QURESHI, AFSAR M

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ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 December 2005_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7 and 9-41_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _7 and 9-18_ is/are allowed.

6)☒ Claim(s) _1-6,19-24,26-39 and 41_ is/are rejected.

7)☒ Claim(s) _25,40_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

AFSAR QURESHI
PRIMARY EXAMINER
4/17/06

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Response to Amendment

1.   This action is responsive to amendment/remarks received on 12/14/2005.

Response to Arguments

2.   Applicant's arguments filed 12/14/2005 have been fully considered but they are

not persuasive.

The Examiner notes that claims 25 and 40 were not clearly addressed in the

Office action, as pointed out by the Applicant, dated 9/21/2005. However, as discussed

in the Office action, dated 4/15/2005, claims 25 and 40 having allowable subject matter

but were objected to as being dependent upon a rejected base claim.

The Examiner contends that the arguments, dated 12/14/2005, were addressed

fully in the 'Response to Argument', Office action, dated 9/21/2005. In the absence of

any amendments to claims, the Examiner maintains same response as follows:

Regarding claims 1 and 36, the Applicant argues that the Kim '751 does not

teach the features recited in these claims, specifically, "the counter value representing

an amount of time." It is well established that claim language is interpreted in light of the

specification, however, the plain language of the claim is interpreted as broadly as

possible. Here, Kim '751 teaches a counter value compared to a threshold value...it is

determined that the congestion counter value is greater than a predetermined unit time

(see column 5, lines 40-43). The comparison of the counter value to a unit time is

evidence that the counter value is "representing" an amount of time.

Regarding claim 5, a congestion counter is the same as a flow control delay

counter and the congestion counter is set to perform for instances greater than the

threshold (see figure 6).

Regarding claim 6, clearing is the same as resetting.

Regarding claim 19, Applicant's arguments are persuasive and a new ground of

rejection is present below.

Regarding claim 23, Applicant's arguments are persuasive and a new ground of

rejection is present below.

Regarding claims 29 and 33, Applicant's arguments are not persuasive, however,

a new inherency argument has been added to the outstanding arguments noted

below.

Regarding claim 39, Applicant's arguments are not persuasive.

Accordingly, the subsequent dependent claims have also been addressed by the new

and maintained rejections.

3.   **The text of those sections of Title 35, U.S. Code not included in this action**

can be found in a prior Office action.

4.   Claims 1-6, and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated

by Kim et al. (U.S. Patent No. 5,982,751) hereinafter **'Kim 1'**.

Regarding claims 1, and 36, Kim1 teaches a connection call registration method including receiving a request to transfer data (see description for figure 5), determining whether a counter value exceeds a threshold (see column 5, lines 30-34 and step 105 of figure 6) and transmitting or routing call data (see steps 109-110).

Regarding claims 2-3, Kim1 teaches a plurality of data streams (figure 1) and a threshold 105 associated with at least one stream (figure 6).

Regarding claims 4-6 and 37-38, Kim1 teaches setting the threshold value based on a delay, and resetting (clearing) the counter value (see Abstract).

5.   Claims 19-21 and 29-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Levine (U.S. Patent No. 6,504,818) hereinafter 'Levine'.

Regarding claims 19-20, Levine teaches tracking data buffered and determining whether the amount of data exceeds a threshold and reducing a data rate when the threshold is exceeded (see Abstract of Levine). The threshold is the representative of an amount of delay for sending data from the buffer to the egress port, which is the same as a device that transmits data to the buffer (see Abstract of Levine).

Regarding claim 21, Levine teaches a plurality of streams (see figure 1).

Regarding claims 29 and 33, Levine teaches tracking data buffered and determining

whether the amount of data exceeds a threshold and reducing a data rate when the

threshold is exceeded (see Abstract of Levine). The Examiner notes that it is inherent to

read data in the process of transferring data in an electronic computing device.

Regarding claim 30, Levine teaches storing the data information in the memory 120

(column 5, lines 10-16).

Regarding claim 31, Levine teaches programmable means for the system data via a

communication interface 130 (see figure 4).

Regarding claims 32 and 34-35, Levine teaches masking a buffer (column 3, line. 65).

6.   Claims 23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by

Susnow (U.S. Patent Publication No. 2002/0159385) hereinafter `Susnow'.

Susnow teaches a packet flow control system exactly like the features recited in the

instant application, specifically, claim 23. The system includes a buffer overflow

prevention mechanism (see Abstract), a register for storing a threshold value that is

compared to a delay for sending a flow control signal (link packet 340) from a buffer

620B to another device packet scheduler 720 (see figure 7 and [0071]). Also a counter

is set and compared to a threshold value (see [0078]). The counter is an amount of time

since a last flow control link packet 340 (see [0063]). A comparator 930 compares the

buffer storage level to the threshold value (see [0083]). When the counter is greater

than the threshold value then data is transmitted (see [0078]).

Regarding claim 26, Susnow teaches 4 bits used in the VL, which is the basis for the

counter (see [0038]).

7.   Claim 22 is rejected under 35 U.S.C. 103(a). as being unpatentable over Levine

in view of Baranyai et al. (U.S. Patent No. 4,499,577) hereinafter 'Baranyai'.

Levine is silent regarding a128 lines used in the data communications system.

Baranyai teaches a TDM conferencer used for data transfer applications. The system

includes a permission bit used to regulate data transfer (column 8, lines 58-65). The

system further includes a TOM system that utilizes 128 lines with 128 time slots (column

1, line 30), and a register (column 9, lines 25-30).

Evidence of motivation to combine these two references can be found in the

Background portions of these two specifications. Baranyai discloses that it would be

desirable to have a communications system that utilizes voice and data communications

(column 2, lines 39-40). Similarly, Levine discloses a need for a data network control

scheme that fairly allocates bandwidth to active sources and guarantees certain data

rates that the network is obligated to carry. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to have combined the

call control and voice data schemes discussed in these two references to arrive at the

features recited in claims 16-18.

8.   Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kim (U.S. Patent No. 6,215,768), hereinafter **'Kim 2'** in view of Levine.

Kim 2 teaches a connection admission controller for traffic monitoring including

requesting bandwidth for data transferring (column 5, lines 20-23), performing a

calculation at control device 40 of figure 1, to assign an available bandwidth (column 5,

lines 38-44 and figure 1) and permitting data transfer based on a real available

bandwidth. These features correspond to the first flow control device of claim 39. Kim 2

is, however, silent regarding the throttle controller described in the second flow control

device of claim 39. Levine teaches tracking data buffered and determining whether the

amount of data exceeds a threshold and reducing a data rate when the threshold is

exceeded (see Abstract of Levine).

Evidence of motivation to combine these two references is contained in the

Background portions of their respective specifications. For instance, Kim 2 teaches that

computing a precise bandwidth usable for calls, and requiring a specified QoS is

desired (column 3, lines 18-30). Similarly, Levine teaches that there is a need for a data

network control scheme that fairly allocates bandwidth to active sources and guarantees

certain data rates that the network is obligated to carry. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to have

combined the quality assured bandwidth allocation schemes discussed in these two

references to arrive at the features recited in claim 39.

9.   Claims 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Susnow in view of Baranyai.

        Susnow is silent regarding a transfer register, a permission bit to transfer data

and 128 lines used in the data communications system. Baranyai teaches a TDM

conferencer used for data transfer applications. The system includes a permission bit

used to regulate data transfer (column 8, lines 58-65). The system further includes a

TDM system that utilizes 128 lines with 128 time slots (column 1, line 30), and a register

(column 9, lines 25-30).

        Evidence of motivation to combine these two references can be found in the

Background portions of these two specifications. Susnow discloses that it would be

desirable to have a communications system that utilizes a flow control mechanism that

prevents loss of packets (see [0006]). Similarly, Baranyai discloses the need for a data

transferring mechanism that provides more accurate transfer times and improved

transferring performance (column 4, lines 15-28). Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to have combined

the flow control mechanism and the accuracy measuring transfer performance schemes

discussed in these two references to arrive at the features recited in claims 24 and 28.

10.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Susnow

in view of Kim1.

Susnow is silent regarding a counter value that resets when data is transmitted.

Kim1 teaches a counter value that is reset when congestion is below a given threshold

(column 5, lines 34-37).

Evidence of motivation to combine these two references can be found in the

Background portions of these two specifications. Kim1 discloses the need for a call

control system that utilizes network efficiency for call integrity for systems (column 2,

lines 10-25). Similarly, Susnow discloses that it would be desirable to have a

communications system that utilizes a flow control mechanism that prevents loss of

packets (see [0006]). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to have combined the data communication

efficiency mechanisms discussed in these two references to arrive at the features

recited in claim 27.

Allowable Subject Matter

11.   Claims 7 and 9-18 are allowed over the prior art of record.

12.   Claims 25 and 40 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272

3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad Matar can be reached on (571) 272 7488. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

SAR QURESHI
ARY EXAMINER

4/18/2006